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SEP 28 PAGE 15

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IN THE SUPREME COURT OF THE UNITED STATES
October Term, 1997

Arthur Calderon, Warden, Calif. State Prison at San Quentin,

Petitioner,

v.

Douglas Clark, Respondent.

Reply to Petition for Certiorari

Respondent's ACTUAL added response.

Douglas Clark
Respondent
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Introduction

Petitioner has sought this petition in an effort to try to hogtie the Respondent into the four corners of a blatantly incomplete and incompetent, and fully protested, writ of habeas corpus.

Counsel (initial) merely xeroxed a few issues from the state DIRECT APPEAL, and since no state writ was ever filed, that is all that was filed in a rush to beat the clock, on the new rules regarding filing deadlines on writs of habeas corpus.

The claim the Petitioner seeks resolved by the nation's highest court is not even close to RIPE for adjudication beyond the trial/district court.

1) The ~~Respondent~~ PETITIONER is aware that when Respondent initiated discourse with the federal courts following a ruling on what the state purported to be a "direct appeal" in my name, I filed TWO instant challenges to U.S. DISTRICT COURT JURISDICTION, neither of which has been addressed.

2) Petitioner is well aware that EITHER of these two issues, known to him personally and to the State Attorney General, for over ten years, can and will simply ELIMINATE JURISDICTION for this instant matter in the federal court.

The ISSUES which ELIMINATE ripeness and thus standing to seek this Court's review:

1) The State of California has created a unique "executive branch" law firm under direct political whim and control of the GOVERNOR of the state. He fired MY LAWYER, (Quinn Denvir) and hired in his place two PROSECUTORS, who then BLOCKED my access to the STATE POST CONVICTION REMEDIES, waived STATE WRIT of HABEAS CORPUS over my protests, and because FARETTA is VOID for CONDEMNED PRISONERS, waived key issues in the DIRECT APPEAL which tended to 'embarrass' the boss, the GOVERNOR, and his EXECUTIVE BRANCH. The total and abysmal conflict of interest led to NO writ, and no direct appeal, at the state level. THUS, this court and the District Court has no jurisdiction to hear ISSUES in a HABEAS CORPUS writ, as supposedly 'filed' but not fully verified.

2) The state has decided that the 6th article of the Constitution of the United States does not apply in this state, when it comes to "non-judge executive branch appointees" sitting as JUSTICES of the California Supreme Court. The state and federal constitutions require judges be ACTUAL JUDGES or a waiver be obtained, in such instances. The state court ignored my many protests, and FIVE of SEVEN justices were PRO TEM's, three RETIRED before ever being "confirmed."

As such, it is obvious that if either filed and undecided JURISDICTIONAL ISSUE carries as defined, there has been NO DIRECT or COLLATERAL state remedy available nor presented to any state court. In light of that UNDECIDED status on two such enormous and widespread flaws in the state's billion dollar death penalty program of post conviction remedies, one would surely not want to get the cart this far before the horses. If the issues (either or both) carry, in the DISTRICT COURT, there CAN BE NO FULL WRIT OF HABEAS CORPUS to file, much less to debate full or partial verification of the parts.

To lift a part of his brief, I will argue that for the state to entertain lengthy proceedings that all may be presented on a sand foundation, which can be washed away with ONE of EITHER of TWO huge pending waves, would be silly, costly, and futile.

I sincerely urge this Honorable Court to place this case back into the DISTRICT COURT, with instructions to DO NOTHING ELSE prior to holding any required hearings and briefings on the two issues (State defender as a pawn of the governor; and pro tem unwaivered justices at the high court) so as to THEN render this matter "ripe". I am going to do everything in my power to NEUTRALIZE any QUESTION, in this matter, by supplanting the ENTIRE sham writ petition with a REAL ONE, if and when JURISDICTION is finally decided based upon a hearing on the two FIRST FILED ISSUES I raised pro se in the District Court.

CONCLUSION.

There are serious JURISDICTIONAL ISSUES as yet unresolved by the District Court. UNTIL standing is affirmed following DECISION of these two challenges filed in 1992, the U.S. Supreme Court's own RULES preclude a grant of a petition on this matter. If it ever becomes ripe, which it surely will NOT, then the Warden will have his day to climb this ladder and knock upon this Court's Door, with proper standing.

Respectfully submitted, this 26th day of August, 1998.

Douglas Clark,
Respondent.
Pro se.